

Appl. No. 10/622,521  
Amdt. Dated January 20, 2005  
Reply to Office Action of November 17, 2004

Docket No. IS01087AP  
Customer No. 23330

### REMARKS

Claims 1, 7, 13 and 19 have been amended. Claims 3, 9, 15 and 21 have been cancelled. Claims 1-2, 4-8, 10-14, 16-20 and 22-24 remain in the application. The actions taken are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art. Moreover, the amendment or cancellation of claims herein is without prejudice to pursuing claims of different scope by way of continuing Application. Reconsideration of this application is respectfully requested.

### U.S.C. 102(b)

Claims 1-24 are rejected under U.S.C. §102(b) as being anticipated Miyakawa et al. (U.S. Patent No. 6,223,092, hereinafter Miyakawa et al.). Applicants respectfully traverse the rejection. Applicants independent claims 1, 7, 13 and 19 call for, among other things, collecting real-time manufacturing data for a first product; flagging an overlapping element of the real-time manufacturing data and the design data, wherein the overlapping element meets a variance criteria, wherein the overlapping element comprises an identification tag of a first product part, wherein the first product part is incorporated into the first product, and wherein the identification tag of the first product part is present in the design data for the second product. Support for the additional language can be found, among other places, in the cancelled claims.

Miyakawa et al. teaches a designed object workability evaluating system for evaluating whether a structure of an article can be realized with work easy to do in a manufacturing stage and selectively determining the best structure from a plurality of design plans through a comparative evaluation (abstract; column 7, lines 16-22). The evaluating system taught by Miyakawa et al. requires a user to input commands and data at a client machine, and a server machine for registering design units defined by a user and an index calculating algorithm for calculating workability indexes for each design unit. Both of these elements require user interaction (column 7, lines 26-65). The evaluating system taught by Miyakawa et al. creates indexes for ease of workability/fabrication of parts bases on costs, level of difficulty, time, etc. for each design unit or part.

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The very premise of the teachings of Miyakawa et al. teach away from Applicants' claims, as one of the purposes of Applicants invention is to streamline feedback from manufacturing by eliminating the human component – see Abstract of the specification. Miyakawa et al. requires user input of data for the system of function while Applicant's claimed invention does not. It is clear that Miyakawa et al. is teaching prior art as cited by Applicants and is therefore teaching away from Applicants invention.

Contrary to assertions by the Examiner, Miyakawa et al. does not teach or suggest collecting real-time manufacturing data for a first product and flagging an overlapping element of the real-time manufacturing data and the design data, wherein the overlapping element meets a variance criteria, wherein the overlapping element comprises an identification tag of a first product part, wherein the first product part is incorporated into the first product, and wherein the identification tag of the first product part is present in the design data for the second product. As claimed, the first product is actually already in manufacturing. On the contrary, Miyakawa et al. teaches indexing the manufacturability of *numerous* product designs *prior* to manufacturing based on workability based on data input by users (column 8, lines 5-7). Miyakawa et al. does not teach or suggest collecting data from the real-time manufacture of a part.

Furthermore, column 8, lines 24-33 cited by the Examiner does not teach or suggest wherein the overlapping element meets a variance criteria, wherein the overlapping element comprises an identification tag of a first product part, wherein the first product part is incorporated into the first product, and wherein the identification tag of the first product part is present in the design data for the second product. Column 8, lines 24-33 merely teach registering design units or correcting the registration of design units when commanded by the user. This of course has nothing to do with the Applicants' claims. In fact, Miyakawa et al. does not even teach or suggest a first product part in a first product, both in current real-time manufacture, an identification tag or the first product part being included in the design data of the second product. Therefore, Miyakawa et al. does not teach or suggest all of the elements of Applicant's independent claims and therefore does not anticipate Applicant's independent claims.

Clearly, Miyakawa et al. does not teach or suggest all of the elements of Applicants' amended independent claims 1, 7, 13 and 19. Claims 2-6 depend directly or indirectly from claim 1 and are allowable for the same reasons as claim 1. Claims 8-12 depend directly or indirectly from claim 8 and are allowable for the same reasons as claim 8. Claims 14-18 depend

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directly or indirectly from claim 13 and are allowable for the same reasons as claim 13. Claims 20-24 depend directly or indirectly from claim 19 and are allowable for the same reasons as claim 19.

### **Prior Art**

The references cited but not relied upon are believed not to anticipate or make obvious Applicants' invention.

### **Summary**

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

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Please charge any fees associated herewith, including extension of time fees, to 502117.

Respectfully submitted,

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